

1 **DRUG UTILIZATION REVIEW COMMITTEE**

2 **AMENDMENTS**

3 2005 GENERAL SESSION

4 STATE OF UTAH

5 **Sponsor: Rebecca D. Lockhart**

7 **LONG TITLE**

8 **General Description:**

9 This bill amends the Health Code to require public notice and comment period for
10 hearings held by the Drug Utilization Review Board.

11 **Highlighted Provisions:**

12 This bill:

- 13 ▶ requires 30 days advance public notice of a hearing held by the Drug Utilization
14 Review Board; and
15 ▶ requires the board to consider comments submitted by interested parties.

16 **Monies Appropriated in this Bill:**

17 None

18 **Other Special Clauses:**

19 None

20 **Utah Code Sections Affected:**

21 AMENDS:

22 **26-18-105**, as enacted by Chapter 273, Laws of Utah 1992

24 *Be it enacted by the Legislature of the state of Utah:*

25 Section 1. Section **26-18-105** is amended to read:

26 **26-18-105. Drug prior approval program.**

27 Any drug prior approval program approved or implemented by the board shall meet the



28 following conditions:

29 (1) no drug may be placed on prior approval for other than medical reasons;

30 (2) the board shall hold a public hearing at least 90 days prior to placing a drug on prior
31 approval;

32 (3) notwithstanding the provisions of Section 52-4-6, the board shall provide not less
33 than 30 days notice to the public before holding a public hearing under Subsection (2);

34 (4) the board shall consider written and oral comments submitted by interested parties
35 prior to or during the hearing held in accordance with Subsection (2);

36 [~~(3)~~] (5) the board shall provide evidence that placing a drug class on prior approval
37 will not impede quality of recipient care and that the drug class is subject to clinical abuse or
38 misuse;

39 [~~(4)~~] (6) no later than nine months after any drug class is placed on prior approval, it
40 shall be reconsidered in a public hearing with notice as provided in Subsection (3);

41 [~~(5)~~] (7) the program shall provide either telephone or fax approval or denial at least
42 Monday through Friday, within 24 hours after receipt of the prior approval request;

43 [~~(6)~~] (8) the program shall provide for the dispensing of at least a 72-hour supply of the
44 drug in an emergency situation or on weekends;

45 [~~(7)~~] (9) the program may not be applied to prevent acceptable medical use for
46 appropriate off-label indications; and

47 [~~(8)~~] (10) any drug class placed on prior approval shall receive a majority vote by the
48 board for that placement, after meeting the requirements described in Subsections (1) through
49 [~~(7)~~] (10).

Legislative Review Note

as of 1-13-05 8:46 AM

Based on a limited legal review, this legislation has not been determined to have a high probability of being held unconstitutional.

Office of Legislative Research and General Counsel

Fiscal Note
Bill Number HB0268

Drug Utilization Review Committee Amendments

15-Feb-05

7:41 AM

State Impact

No fiscal impact.

Individual and Business Impact

No fiscal impact.

Office of the Legislative Fiscal Analyst